

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ABBVIE INC., ABBVIE LTD, and	)	
NEUROCRINE BIOSCIENCES, INC.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 22-1423 (JLH)
	)	CONSOLIDATED
ALKEM LABORATORIES LIMITED, et al.,	)	
	)	
Defendants.	)	

**AMENDED JOINT CLAIM CONSTRUCTION CHART AND [PROPOSED] ORDER**

Plaintiffs AbbVie Inc., AbbVie Ltd, and Neurocrine Biosciences, Inc. (collectively, “Plaintiffs”) and Defendants Hetero Labs Limited, Hetero Labs Limited Unit-V, and Hetero USA Inc. (together, “Hetero”); Princeton Pharmaceutical Inc., Zhejiang Huahai Pharmaceutical Co., Ltd., and Solco Healthcare US, LLC (together, “Princeton”); Sun Pharmaceutical Industries Limited (“Sun”); and Zenara Pharma Private Limited and Biophore India Pharmaceuticals Private Ltd. (together, “Zenara”) (collectively, “Defendants”) hereby submit this Amended Joint Claim Construction Chart for claim terms/phrases in U.S. Patent Nos. 7,419,983 (“the ’983 patent”), 10,537,572 (“the ’572 patent”), 10,682,351 (“the ’351 patent”), and 11,542,239 (“the ’239 patent”).<sup>1, 2</sup>

The parties agree that no terms for the ’239 patent require construction.

With respect to the ’572, ’351, and ’983 patents, the parties have agreed to the following constructions:

---

<sup>1</sup> All claim construction disputes related to U.S. Patent Nos. 7,056,927 and 11,344,551 have been mooted due to all claims, counterclaims, and defenses related to those patents being dismissed from this action. *See* D.I. 195.

<sup>2</sup> Each Defendant joins in this document only to the extent that a particular patent has been asserted against that Defendant.

Patent/Claims	Claim Term	Agreed Construction
'572 Patent, Claim 1 '351 Patent, Claim 1	"150 mg elagolix free acid"	"equivalent to 155.2 mg elagolix sodium"
'572 Patent, Claims 1 and 2 '351 Patent, Claim 1	"method for treating endometriosis in a patient"	The parties agree the preamble term is limiting.
'983 Patent, <sup>3</sup> Claims 12, 13, 22, 23, 32, and 33	"pharmaceutically acceptable salt thereof"	any and all acceptable salt forms

The remaining disputes for the '572 and '351 patents involve indefiniteness. Per the Court's February 22, 2024 Order (D.I. 193), any indefiniteness issues, including the issues raised by Defendants in their January 11, 2024 Initial Proposed Claim Terms for Construction, shall be deferred until trial or, if leave is granted, summary judgment motions. Those terms are identified in the chart below:

Term No.	Claim Term
1	A method for treating endometriosis  '572 patent, claim 1, 2 '351 patent, claim 1
2	Maximum plasma concentration for elagolix is increased by 4.4 fold relative to administration of elagolix alone  '572 patent, claim 1
3	plasma area-under-the-curve for elagolix is increased by 5.6 fold relative to administration of elagolix alone  '572 patent, claim 1
4	patient receives 600 mg of rifampin once daily  '572 patent, claim 2

---

<sup>3</sup> Plaintiffs have narrowed the asserted claims of the '983 patent and do not assert any claims other than claims 12-15, 22-25, and 32-35.

Term No.	Claim Term
5	maximum plasma concentration for elagolix is increased by 2.0 fold relative to administration of elagolix alone  '572 patent, claim 2
6	plasma area-under-the-curve for elagolix is increased by 1.65 fold relative to administration of elagolix alone  '572 patent, claim 2
7	the patient receives a once daily dose of 400 mg of ketoconazole  '351 patent, claim 1
8	increased by 1.8 fold relative to administration of elagolix alone  '351 patent, claim 1
9	increased by 2.2 fold relative to administration of elagolix alone  '351 patent, claim 1

The parties agree that the deferral is made without waiver by any party of any arguments regarding the indefiniteness or definiteness of these terms.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Jeremy A. Tigan*

---

Jack B. Blumenfeld (#1014)  
 Jeremy A. Tigan (#5239)  
 Megan E. Dellinger (#5739)  
 1201 North Market Street  
 P.O. Box 1347  
 Wilmington, DE 19899  
 (302) 658-9200  
 jblumenfeld@morrisnichols.com  
 jtigan@morrisnichols.com  
 mdellinger@morrisnichols.com

*Attorneys for Plaintiffs AbbVie Inc., AbbVie Ltd,  
 and Neurocrine Biosciences, Inc.*

BUCHANAN INGERSOLL & ROONEY PC

*/s/ Kody M. Sparks*

---

Geoffrey G. Grivner (#4711)  
 Kody M. Sparks (#6464)  
 500 Delaware Avenue, Suite 720  
 Wilmington, DE 19801  
 (302) 552-4200  
 geoffrey.grivner@bipc.com  
 kody.sparks@bipc.com

*Attorneys for Defendants Hetero Labs  
 Limited, Hetero Labs Limited Unit-V and  
 Hetero USA Inc.*

SMITH, KATZENSTEIN & JENKINS LLP

*/s/ Daniel A. Taylor*

---

Neal C. Belgam (#2721)  
Daniel A. Taylor (#6934)  
1000 West Street, Suite 1501  
Wilmington, DE 19801  
(302) 652-8400  
nbelgam@skjlaw.com  
dtaylor@skjlaw.com

*Attorneys for Defendants Princeton  
Pharmaceutical Inc., Zhejiang Huahai  
Pharmaceutical Co., Ltd. and Solco Healthcare  
US, LLC*

YOUNG CONAWAY STARGATT & TAYLOR, LLP

*/s/ Samantha G. Wilson*

---

Anne Shea Gaza (#4093)  
Samantha G. Wilson (#5816)  
Rodney Square  
1000 North King Street  
Wilmington, DE 19801  
(302) 571-6600  
agaza@ycst.com  
swilson@ycst.com

*Attorneys for Defendant Sun Pharmaceutical  
Industries Limited*

SMITH, KATZENSTEIN & JENKINS LLP

*/s/ Daniel A. Taylor*

---

Neal C. Belgam (#2721)  
Daniel A. Taylor (#6934)  
1000 West Street, Suite 1501  
Wilmington, DE 19801  
(302) 652-8400  
nbelgam@skjlaw.com  
dtaylor@skjlaw.com

*Attorneys for Defendants Zenara Pharma  
Private Limited and Biophore India  
Pharmaceuticals Private Ltd.*

March 7, 2024

SO ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

---

HONORABLE JENNIFER L. HALL  
UNITED STATES DISTRICT JUDGE